2003 STATISTICAL REPORT OF THE DELAWARE JUDICIARY



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Message from Chief Justice E. Norman Veasey

To Governor Ruth Ann Minner, Members of the General Assembly, and Citizens of the State of Delaware:



It is my privilege to present to you the 2003 Annual Report of the Delaware Judiciary. This will be my twelfth and final submission of the Annual Report as Chief Justice.

I want to take this opportunity to commend the Delaware Judiciary. Our State is truly fortunate to have the services and expertise of extraordinary and dedicated judges and staff. The preeminence of our courts and Bar is nationally acknowledged, and we continue to build on our reputation on a daily basis by being innovative and progressive. In fact, for the second year in a row, a Harris poll survey of corporate counsel conducted by the United States Chamber of Commerce ranked the Delaware Judiciary as the Number One Judiciary in the Nation in the key areas of the competent handling of civil litigation.

The Justice of the Peace Court has: (1) instituted a statewide videophone court at Court 2 in Rehoboth; and (2) accepted the Program of the Year Award from the International Association for Truancy and Dropout Prevention. In the 2002-2003 school year, more than 400 students in Delaware successfully completed the program, staying in school. The Court of Common Pleas is expanding its Drug Court program to Kent and Sussex Counties. The Family Court has adopted new guidelines for the expeditious disposition of dependency and neglect cases. The Family Court continues to be a national model for child support formulas. The Court of Chancery and the Superior Court are expanding the courts' e-filing systems. The Court of Chancery's jurisdiction has been expanded to adjudicate technology disputes exceeding one million dollars and is undertaking a new and creative mediation-only process. The Supreme Court is working with the courts and our Judicial Information Center to produce a unified world-class web site for the dissemination of information to the Public and the Bar.

The entire Judiciary is moving forward with the development of our commercial-off-the-shelf case and financial management system (COTS). The Judiciary is not content to rest on its laurels but rather is a dynamic force in delivering services to our clientele – the citizens of Delaware.

During my term as Chief Justice, I have seen the number of judicial officers increase, new court-houses built or renovated, the expansion of our technological capabilities, the promise of COTS, and many other improvements. The Judiciary has prospered during economic boom times and weathered economic downturns. It has been a challenging and rewarding journey for me personally to work as a public servant and with other public servants. The work that we are doing is important and vital to the welfare of the citizens that we serve. We are very gratified that our work has achieved swift and fair justice as the standard and that we have done our utmost to earn the trust and confidence of the public.

Respectfully,

E. Formen Veasus

INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judiciary consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, and related judicial agencies.

In terms of interrelationships among the courts, the Delaware Court system is similar to a pyramid. The Justice of the Peace Court and the Alderman's Courts represent the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and, thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings to the judiciary in resources used to handle the matters and in speedier resolution of the issues at hand for the litigants.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount is less than \$15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas. Over one-half of all cases are disposed of rapidly at the Justice of the Peace Court level without further impact on the remainder of the judicial system.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed \$50,000. In criminal cases, the Court of Common Pleas handles all misdemeanors occurring in the State except certain drug-related offenses and traffic offenses. The Court is also responsible for all preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has extensive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal



and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses. In civil matters, the Court's authority to award

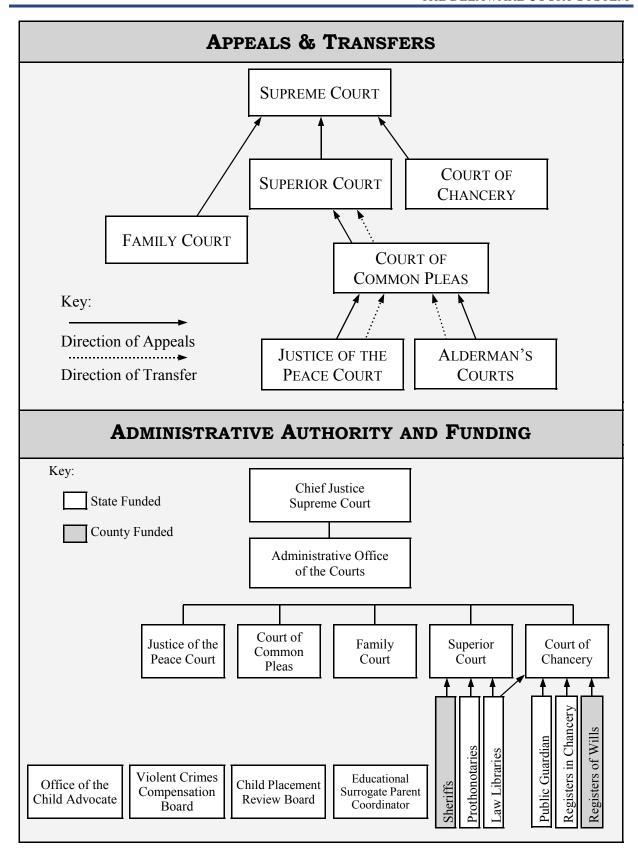
damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing the case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court is the State's appellate court which receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides those centralized services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support operations as established by the Chief Justice of the Supreme Court.

Other agencies associated with the Delaware Judiciary include these state funded agencies: Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Coordinator, Prothonotaries, Law Libraries, and Public Guardian. The majority of the components of the Delaware judicial system are funded by the State. Exceptions to this are the Alderman's Courts and the Registers of Wills for the Court of Chancery, and the Sheriffs' Offices.



COURT OF LAST RESORT

SUPREME COURT

Final appellate jurisdiction for criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments, certain orders of the Court of Chancery, the Superior Court, and the Family Court and court designated boards. Issuer of certain writs

EQUITY COURT

COURT OF CHANCERY

Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, and commercial/contractual matters).

LAW COURT

SUPERIOR COURT

Original statewide jurisdiction over criminal and civil cases (except equity cases). Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors). Involuntary commitments to Delaware State Hospital.

COURTS OF LIMITED JURISDICTION

FAMILY COURT

Extensive jurisdiction over all domestic relations matters, including divorce, custody, guardianships, adoptions, visitation, child and spousal support, and property division. Jurisdiction over intrafamily misdemeanors, misdemeanor crimes against children, and civil domestic violence protective orders. Jurisdiction over all juvenile offenses except murder, rape, and kidnapping.

COURT OF COMMON PLEAS

Statewide jurisdiction in civil actions involving less than \$50,000. All criminal misdemeanors (except certain drug-related offenses and traffic offenses). Responsible for all preliminary hearings. Appeals from the Justice of the Peace Courts, Alderman's Courts, and the Division of Motor Vehicles.

JUSTICE OF THE PEACE COURT

All civil cases involving less than \$15,000. Certain misdemeanors and most motor vehicle cases (except felonies). May act as committing magistrate for all crimes. Landlord/tenant disputes.

ALDERMAN'S COURTS*

Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by the General Assembly).

^{*}Alderman's Courts are not part of the Delaware court system, they are independent entities within their respective municipalities. However, appealed cases are transferred to a state Court.

Fiscal Overview

SUMMARY OF JUDICIAL BUDGETS-FISCAL YEARS 2002-2003-2004-2005									
	State	Judicial Agencies	an	d Bodies*					
		FY 2002 Actual		FY 2003 Actual		FY 2004		FY 2005	
		Disbursements		Disbursements		Appropriations		Request	
Administrative Office of the Courts (AOC)#	\$	1,935,108	\$	3,055,300	\$	3,275,300	\$	3,380,800	
Court Appointed Attorney Programs**,###		1,858,957		1,874,100		2,508,200		2,807,000	
Interpreters		139,435		158,500		193,900		275,100	
Victim Offender Mediation Program**		424,800		420,600		424,800		424,800	
Elder Law Program**		50,000		50,000		50,000		50,000	
Judicial Information Center##		2,913,100		2,470,800		2,882,600		3,097,800	
State Court Collection Enforcement Office		409,600		525,200		445,200		475,900	
Supreme Court		3,587,100		3,822,700		3,404,100		3,484,400	
Retired Judges Program**		31,800		55,200		47,000		47,000	
Continuing Judicial Education**		75,100		58,800		13,300		53,300	
Court of Chancery####		2,693,200		3,935,300		3,659,800		3,940,900	
Public Guardian		387,700		419,500		418,800		440,500	
Superior Court		16,862,200		17,315,200		16,527,800		17,997,600	
Law Libraries		535,000		455,400		473,600		474,600	
Family Court		17,564,200		18,235,500		17,531,300		18,479,600	
Court of Common Pleas		8,307,900		8,331,000		6,994,300		7,495,300	
Justice of the Peace Court		16,993,800		16,545,900		13,463,900		14,211,000	
Violent Crimes Compensation Board ***		2,108,000		9,177,400		3,067,900		3,067,900	
Child Placement Review Board****		437,700		431,200		555,900		571,000	
Educational Surrogate Parent Program		79,700		75,500		72,300		73,500	
Office of the Child Advocate		439,300		454,000		453,100		445,600	
Totals	\$	77,833,700	\$	87,867,100	\$	76,463,100	\$	81,293,600	

County Judicial Agencies and Bodies										
NEW CASTLE COUNTY										
Register in Chancery	\$	831,973		NA		NA				
Register of Wills		1,019,475		1,082,604		1,174,962				
Prothonotary^		32,074		20,676		44,000				
Sheriff		1,313,552		1,304,829		1,469,672				
NEW CASTLE COUNTY TOTALS	\$	3,197,074	\$	2,408,109	\$	2,688,634				
KENT COUNTY										
Register in Chancery	\$	175,000		NA		NA				
Register of Wills		169,000		282,710		196,600				
Sheriff		338,300		358,541		408,600				
KENT COUNTY TOTALS	\$	682,300	\$	641,251	\$	605,200				
SUSSEX COUNTY										
Register in Chancery	\$	131,689		NA		NA				
Register of Wills		214,038		227,563		236,681				
Sheriff		358,061		401,317		457,611				
SUSSEX COUNTY TOTALS	\$	703,788	\$	628,880	\$	694,292				
GRAND TOTALS-JUDICIAL BRANCH	\$	82,416,862	\$	91,545,340	\$	80,451,226				

^{*}Figures include all funds, including State General Funds, Appropriated Special Funds, federal funds and/or other funds.

#Majority of growth is due to funding related to opening the new courthouse in Wilmington.

^{**}These programs are funded as part of the AOC. They are shown separately for informational purposes.

^{***}Dramatic increase in "expenditures" is due to the FY 2003 Budget Act capping the Violent Crimes Compensation Fund at \$6 million. Funds in excess of the cap, totalling \$7,183,100, were deposited to the General Fund.

^{****}This Board was previously known as the Foster Care Review Board.

^{##}Majority of FY 2004 JIC Budget Request increase is related to the implementation of an integrated case and financial management system (COTS).

^{###}Includes \$400,000 appropriated in FY 2004 to the Contingency "Indigent Legal Aid" in the State Budget Office.

The FY 2005 Budget request reflects transfer of that contingency to the Judicial Branch Budget.

^{####}Majority of growth is due to transfer of the Register in Chancery offices from county to state control on 01/01/2001.

[^]Reflects pension monies for those employed by the County prior to the Prothonotary coming under State control.

NA: Not applicable due to the transfer of the Register in Chancery offices from county to state control on 01/01/2001. Source: Administrative Office of the Courts

	COUR	OURTGENERATED REVENUE* - FISCAL YEAR 2003 Submitted to the State General Fund	Submitted to the State General Fund	Genera	CAL YEA	K 2003	ı	ı	ı
									Revenues
		Fees and							as a % of
		Costs	Fines		Interest**	Misc.	sc.	Totals	Disbursements
Administrative Office of the Courts (AOC)	\$	-		\$	ı	\$	∽		0.0%
Judicial Information Center		•	•		1			•	%0.0
State Court Collections Enforcement Office		22,300	8,100	0	1	5,300	00	35,700	%8.9
Supreme Court		57,800			•			57,800	1.5%
Court of Chancery		1	•		ı	21,800	00	21,800	%9.0
Office of the Public Guardian		1	•		ı			•	%0.0
Superior Court		2,432,100	414,500	0	21,900	397,300	00	3,265,800	18.9%
Law Libraries			,		1				0.0%
Family Court		009'999	84,400	0	1	22,100	00	773,100	4.2%
Court of Common Pleas		2,124,100	995,500	0	1	151,200	00	3,270,800	39.3%
Justice of the Peace Court		2,200,200	906,400	0	•	30,200	00	3,136,800	19.0%
Child Placement Review Board***		1	•		ı			•	%0.0
Violent Crimes Compensation Board#					•	7,183,100	00	7,183,100	78.3%
Educational Surrogate Parent Program			,		1				0.0%
Office of the Child Advocate					1			•	%0.0
STATE TOTALS	9	7,503,100 \$	2,408,900	s C	21,900	\$ 7,811,000	\$	17,744,900	20.2%

			Necessary of a solution of the pensamon poard			
		Fees and				
		Costs	Fines	Interest	Misc.	Totals
Superior Court	\$	·	504,146 \$	\$	·	504,146
Family Court		1	26,318			26,318
Court of Common Pleas			681,449	•		681,449
Justice of the Peace Court		1	1,035,801	1		1,035,801
Alderman Courts			146,169	•		146,169
Restitution			83,539	•		83,539
Other		1	2,319	3,746	22,123	28,188
VCCB TOTALS	€	5/S	2.479.742 \$	3.746 \$	22.123 \$	2.505.611

^{*}Figures represent only revenue actually received, not the total amount of fines and costs assessed.

^{**}For the first 6 months of FY 2003, counties received 50% of all Court of Chancery interest revenues.

^{***}FY 2003 revenue divided by FY 2003 actual disbursement, which includes State General Funds, federal funds and other funds.

^{***} This Board was previously known as the Foster Care Review Board.

[#]Represents deposit of funds in excess of \$6 million cap on the Victim's Compensation Fund, per FY 2003 Budget Act Source: Administrative Office of the Courts

			ERATED REV ubmitted to Ne					
								Revenue as a %
	Fees & Costs		Fines		Interest	Miscellaneous	TOTALS	of Disbursemen
Register in Chancery	\$ -	\$	-	\$	-	\$ -	\$ -	
Register of Wills	1,801,139		-		-	-	1,801,139	166.4%
Prothonotary	33,530		-		-	-	33,530	162.2%
Sheriff	1,925,242		-		14,209	-	1,939,451	148.6%
Justice of the Peace Court	-		406,732		-	-	406,732	
New Castle County Totals	\$ 3,759,911	\$	406,732	\$	14,209	\$ -	\$ 4,180,852	156.7%
			Submitted to	Ke	nt County		_	
								Revenue as a %
	Fees & Costs		Fines		Interest	Miscellaneous	TOTALS	of Disbursement
Register in Chancery	\$ -	\$	-	\$	-	\$ -	\$ -	
Register of Wills	352,837		-		-	-	352,837	124.8%
Sheriff	522,937		-		-	-	522,937	145.9%
Justice of the Peace Court	-		3,304		_	-	3,304	
Kent County Totals	\$ 875,774	\$	3,304	\$	-	\$ -	\$ 879,078	136.6%
			Submitted to S	Sus	sex County			
								Revenue as a %
	Fees & Costs		Fines		Interest	Miscellaneous	TOTALS	of Disbursement
Register in Chancery	\$ -	\$	-	\$	-	\$ -	\$ -	
Register of Wills	727,313		-		-	-	727,313	319.6%
Sheriff	487,071		-		-	-	487,071	121.4%
Justice of the Peace Court	-		686		-	-	686	
Sussex County Totals	\$ 1,214,384	\$	686	\$	-	\$ -	\$ 1,215,070	193.1%
			Submitted to I	Mu	nicipalities			
								Revenue as a %
	Fees & Costs		Fines		Interest	Miscellaneous	TOTALS	of Disbursement
Prothonotary	\$ -	\$	65	\$	-	\$ -	\$ 65	
Court of Common Pleas	-		947,846		-	-	947,846	11.4%
Justice of the Peace Court	-		2,569,274		-	-	2,569,274	15.5%
Alderman Courts	228,474		393,124		_	-	621,598	NA
Municipalities Totals	\$ 228,474	\$	3,910,244	\$	-	\$ -	\$ 4,138,718	NA
		(Grand Totals-J	Judi	icial Branch			
								Revenue as a %
					_			

Fines

6,729,866 \$

Interest

36,109 \$

Miscellaneous

7,811,000 \$

TOTALS of Disbursement

28,158,619

Fees & Costs

13,581,644 \$

Source: Administrative Office of the Courts.

TOTALS

^{*}Figures represent only revenue collected, not the total amount of fines and costs assessed.

[#]FY 2003 revenue divided by FY 2003 actual disbursement.

	RESTITUTIO	N-FISCAL YE	AR	2003	
		Assessed		Collected	Disbursed
Supreme Court	\$	-	\$	-	\$ -
Court of Chancery		-		-	-
Superior Court		6,534,571		1,209,281	1,055,100
Family Court		588,115		272,530	286,394
Court of Common Pleas		364,048		459,925	426,271
Justice of the Peace Court		101,162		113,001	116,113
TOTALS	\$	7,587,896	\$	2,054,737	\$ 1,883,878

DELAWARE GOVERNMENT APPROPRIATIONS* - FISCAL YEAR 2003							
State Appropriation	ns						
		\$'s	As a %				
Judicial	\$	65,547,000	2.74%				
Higher Education		204,747,200	8.56%				
Executive Branch		1,315,121,100	54.98%				
Legislative Branch		11,814,800	0.49%				
Public Education		794,961,300	33.23%				
Total	\$	2,392,191,400	100.00%				

Judicial Appropriations - Fiscal Year 2003*							
		\$'s	As a %				
Supreme Court	\$	2,383,300	3.64%				
Administrative Office of the Courts		5,423,100	8.27%				
Judicial Information Center		2,683,000	4.09%				
Court of Chancery		2,139,300	3.26%				
Superior Court		16,378,900	24.99%				
Law Libraries		498,600	0.76%				
Family Court		14,319,800	21.85%				
Court of Common Pleas		6,594,600	10.06%				
Justice of the Peace Court		13,328,600	20.33%				
Other**		1,797,800	2.74%				
Total	\$	65,547,000	100.00%				

^{*}State General Fund monies only.

Source: Administrative Office of the Courts

^{**}Other: Public Guardian, Office of State Court Collections Enforcement, Child Placement Review Board, Educational Surrogate Program and the Office of the Child Advocate.